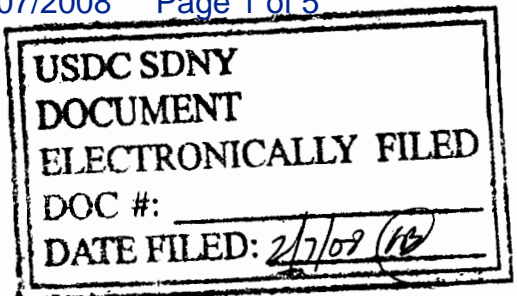


United States District Court
for the
Southern District of New York



Report on Offender Under Supervision

Name of Offender: Victor Barrow Docket Number: 07 CR 794
Name of Sentencing Judicial Officer: Honorable Robert Junell, Western District of Texas
Name of Assigned Judicial Officer: Honorable Sidney H. Stein
Date of Original Sentence: December 16, 2004
Original Offense: Aiding & Abetting Importation of Marijuana
Original Sentence: Twenty-seven months imprisonment; Three (3) years supervised release
Type of Supervision: Supervised Release Date Supervision Commenced: July 6, 2006

NON-COMPLIANCE SUMMARY

The offender has not complied with the following conditions of supervision:

Nature of Non-compliance

1. **ON APRIL 26, 2007, THE SUPERVISED RELEASEE WAS CONVICTED OF DISORDERLY CONDUCT, IN VIOLATION OF NEW YORK STATE PENAL LAW 240.20, A VIOLATION, AND WAS SENTENCED TO A CONDITIONAL DISCHARGE IN BRONX SUPREME COURT. (MANDATED CONDITION) GRADE C VIOLATION.**

As indicated in the Criminal Court Complaint, on February 22, 2007, Police Officer Robert Nugent observed Mr. Barrow inside the lobby of a New York City Housing Authority building, which has a conspicuously posted NO TRESPASSING sign indicating tenants and their guests only, locked entrances and an intercom/buzzer entry system. Officer Nugent states that the releasee's address is 5210 Broadway, Bronx NY., and that the releasee stated, "I JUST CAME FROM VISITING A FRIEND, I DON'T KNOW HIS NAME OR APARTMENT NUMBER, I'M GOOD." Police Officer Nugent further states that he observed on Mr. Barrow's person, in the zipper flap of his pants, twenty (20) glassines of heroin with an aggregate weight of 1/8 ounce or more.

2. **THE SUPERVISED RELEASEE FAILED TO NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO HOURS OF BEING ARRESTED ON FEBRUARY 22, 2007. (CONDITION #11) GRADE C VIOLATION.**

3. THE SUPERVISED RELEASEE FAILED TO NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO HOURS OF BEING ARRESTED ON MAY 29, 2007. (CONDITION #11) GRADE C VIOLATION.

As indicated in the Criminal Court Complaint, on May 29, 2007, opposite 220 Bradhurst Avenue in Manhattan, Police Officer Stephani Martinez, shield 12622 of the Housing PSA 6, recovered heroin from the releasee's pocket. As confirmed via telephone contact with Manhattan Assistant District Attorney John Diaz (on November 1, 2007), the above cited case was sealed in Manhattan Criminal Court.

4. ON OR BEFORE THE FOLLOWING DATES, THE SUPERVISED RELEASEE USED A CONTROLLED SUBSTANCE: OCTOBER 4, 2006 (MARIJUANA, COCAINE); OCTOBER 18, 2006 (COCAINE); OCTOBER 30, 2006 (MARIJUANA, COCAINE); DECEMBER 19, 2006 (COCAINE); FEBRUARY 27, 2007 (COCAINE, OPIATES); MARCH 8, 2007 (COCAINE, OPIATES); MARCH 15, 2007 (OPIATES); MARCH 22, 2007 (COCAINE, OPIATES); APRIL 19, 2007 (OPIATES); MAY 2, 2007 (OPIATES); MAY 3, 2007 (COCAINE); MAY 24, 2007 (COCAINE); JULY 25, 2007 (OPIATES); AUGUST 1, 2007 (OPIATES); AUGUST 15, 2007 (OPIATES); AUGUST 22, 2007 (COCAINE, OPIATES); AUGUST 30, 2007 (COCAINE, OPIATES); SEPTEMBER 7, 2007 (COCAINE, OPIATES); SEPTEMBER 19, 2007, JANUARY 9, 2008 (COCAINE, OPIATES).

SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS

Victor Barrow was sentenced in the Western District of Texas on December 16, 2004, to twenty-seven (27) months imprisonment and three (3) years supervised release for Aiding & Abetting Importation of Marijuana. The special conditions are as follows: The defendant shall not be permitted to reside in any place where firearms are possessed or stored; The defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of supervision; The defendant shall not be permitted to travel or reside in Del Rio, Peco, or the El Paso divisions of the Western District of Texas without prior permission of the probation officer during his term of supervision. Due to Mr. Barrow's residence in this district, he has been supervised by our office since his release on July 6, 2006. Due to this factor, Transfer of Jurisdiction (of this case) to the Southern District of New York became effective on August 22, 2007, at which time Your Honor was assigned this case.

Due to Mr. Barrow's criminal behavior, the Western District of Texas was notified via correspondence (in June 2007) of the following:

On February 22, 2007, the undersigned received a telephone message from Dr. Felicity LaBoy, Ph.D., VA Medical Center, who advised that Mr. Barrow had been arrested. No further specifics were given by Dr. LaBoy at that time.

On February 26, 2007, the undersigned contacted the releasee at his residence and advised him that our office had been contacted by Dr. LaBoy in regard to his arrest. Mr. Barrow reported that he was going to report his arrest at the time of his next scheduled office visit on February 27, 2007. He was reprimanded for not reporting his arrest within 72 hours.

As confirmed via information received from the Federal Bureau Of Investigation, Criminal Justice Information Service Division (on February 27, 2007), on February 22, 2007, Mr. Barrow was arrested in the Bronx, New York and charged with Criminal Possession of a Controlled Substance in the Third Degree: Narcotic Drug Intent to Sell, Class B Felony, and Criminal Trespassing in the Third Degree: Public Housing, Class B Misdemeanor.

As confirmed via the Criminal Court Complaint received (on April 23, 2007), on February 22, 2007, the releasee was arrested at approximately 3:15 p.m. inside 5360 Broadway, in the Bronx and charged with Criminal Possession of a Controlled Substance in the Third Degree, Criminal Possession of a Controlled Substance in the Fourth Degree, Criminal Possession of a Controlled Substance in the Fifth Degree, Criminal Trespassing in the Second Degree, Criminal Possession of a Controlled Substance in the 7th Degree, Criminal Trespassing in the Third Degree, and Trespass. As indicated in the Criminal Court Complaint, on February 22, 2007, Police Officer Robert Nugent observed Mr. Barrow inside the lobby of a New York City Housing Authority building, which has a conspicuously posted NO TRESPASSING sign indicating tenants and their guests only, locked entrances and an intercom/buzzer entry system. Officer Nugent states that the releasee's address is 5210 Broadway, Bronx NY., and that the releasee stated, "I JUST CAME FROM VISITING A FRIEND, I DON'T KNOW HIS NAME OR APARTMENT NUMBER, I'M GOOD." Police Officer Nugent further states that he observed on Mr. Barrow's person, in the zipper flap of his pants, twenty (20) glassines of heroin with an aggregate weight of 1/8 ounce or more.

During a scheduled office visit (on February 27, 2007), Mr. Barrow reported that he was buying heroin on the day he was arrested and maintained he needed the heroin for pain, as his medication was not working. In addition, the releasee denied any continued drug use. He was referred to our substance abuse contract provider, St. Mark's Institute, for further evaluation and treatment.

As confirmed via a Criminal Record Check (received on June 14, 2007), on April 26, 2007, the releasee pled guilty to Disorderly Conduct and was sentenced to a Conditional Discharge in Bronx Supreme Court.

On May 30, 2007, the undersigned received an Arrest Notification indicating that Mr. Barrow had been arrested in Manhattan on May 29, 2007, for Criminal Possession of a Weapon in the Fourth Degree: Firearm/Weapon, and Attempted Criminal Possession of a Controlled Substance in the Seventh Degree. The releasee failed to report this arrest to the undersigned.

As confirmed via telephone contact with Manhattan Assistant District Attorney John Diaz (on November 1, 2007), the above cited case was sealed in Manhattan Criminal Court. As indicated in the Criminal Court Complaint, on May 29, 2007, opposite 220 Bradhurst Avenue in Manhattan, Police Officer Stephani Martinez, shield 12622 of the Housing PSA 6, recovered heroin from the releasee's pocket.

In regard to Mr. Barrow's drug status, he submitted positive urine specimens on October 4, 2006 (marijuana and cocaine), October 18, 2006 (cocaine), October 30, 2006 (marijuana and cocaine), and December 19, 2006 (cocaine). On October 30, 2006, the releasee was placed in inpatient treatment at our drug contract provider program, Riverside Support Center in Port Jervis, N.Y. However, on November 9, 2006, Mr. Barrow was administratively discharged from the program, after physically attacking another client. As indicated in a written report from Candy Krikorian, counselor, Riverside Support Center, Mr. Barrow, who was speaking in a "peer evaluation" group, was observed by the peer population, group facilitators, and video surveillance, to rise from his seat, rapidly cross the floor and move to strike the other peer, who had risen from his seat to deflect the blows (from Mr. Barrow).

As further indicated in the report, it was attested to and validated that the targeted peer (Mr. Davis) was making derogatory statements to the releasee during the group, against group rules and despite warnings from the group facilitator to stop. As reported, until this incident, Mr. Barrow appeared motivated and engaged in the treatment process.

On the date of his discharge (November 9, 2006) from Riverside Support Center, Mr. Barrow was transferred to the Veterans Hospital in Montrose, NY, for a psychiatric evaluation. He was then discharged from this facility and referred to the VA Hospital in the Bronx, for inpatient admission, which he entered on November 21, 2006. Subsequently, Mr. Barrow was discharged on November 24, 2006, as he was found psychiatrically stable.

Following his discharge from the hospital, the releasee attended the Dual Diagnoses Program at the Bronx VA Hospital for daily methadone administration and counseling.

On February 27, 2007, the releasee tested positive for cocaine and opiates (via sweatpatch). At the time of this test, Mr. Barrow was taking prescribed medication for pain (morphine included), following chest surgery at the VA Hospital. In February 2007, the releasee was referred to our substance abuse and mental health contract provider program, St. Mark's Institute, for further evaluation and treatment.

Subsequently, the releasee tested positive for cocaine and opiates (sweatpatch) on March 8 and March 22, 2007. On March 15, 2007, Mr. Barrow tested positive for opiates (sweatpatch). On April 19, 2007, he submitted a urine specimen that tested positive for opiates. On May 3 and May 24, 2007, Mr. Barrow submitted urine specimens that proved positive for cocaine.

As confirmed via written correspondence from Felicity Laboy, Clinical Coordinator, Bronx VA Hospital, on June 7, 2007, Mr. Barrow was held in the Psychiatric Emergency Room of Jacobi Hospital, presenting with depression and suicidal ideation. On June 8, 2007, he was transferred to the Bronx VA Hospital, where he was admitted into the psychiatric unit for two days.

As confirmed via telephone contact with Rafael Delvalle, counselor, on June 14, 2007, Mr. Barrow was admitted to the inpatient substance abuse program at Manhattan Addiction Treatment Center and was discharged from the program in July 2007.

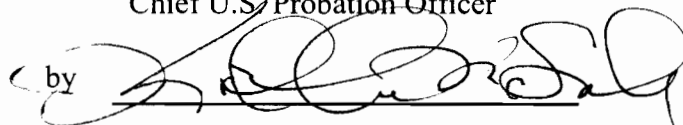
On July 25, August 1 and August 15, 2007, the releasee submitted urine specimens that tested positive for opiates. Subsequently on August 22, August 30, September 7, and September 19, 2007, he submitted urine specimens that proved positive for cocaine and opiates. During this period, Mr. Barrow was attending outpatient substance abuse treatment at St. Mark's Institute and was attending his day treatment program at the Bronx VA Hospital. To further address his drug addiction, Mr. Barrow was admitted to Manhattan Addiction Treatment Center on October 11, 2007, where he completed the inpatient rehabilitation program on November 9, 2007. Subsequently, Mr. Barrow entered a detox program at Promesa on December 2, 2007 and was discharged prematurely for insurance reasons. On January 9, 2008, the releasee submitted a urine specimen which tested positive for cocaine and opiates. As directed, on January 17, 2008, he was admitted to our inpatient drug contract program, Riverside Support Center, where he remains to date.

RECOMMENDATION AND JUSTIFICATION

Based upon the above cited factors, we are not requesting violation action at this time. On January 17, 2008, the releasee entered inpatient drug treatment as directed by the undersigned, where he remains to date. Given Mr. Barrow's current status, we are recommending that he be allowed to continue his inpatient treatment. If Your Honor agrees with our recommendation, we will continue to monitor his treatment status and will report any non-compliance to the Court.

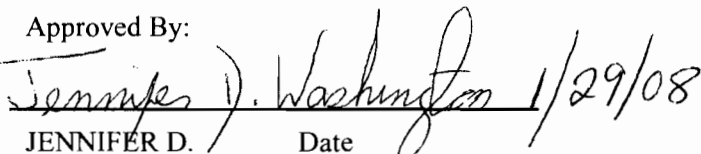
Respectfully submitted,

Chris J. Stanton
Chief U.S. Probation Officer

by 

Katherine M. Samler
Sr. U.S. Probation Officer
212-805-5092

Approved By:


JENNIFER D. WASHINGTON Date 1/29/08

Supervising U.S. Probation Officer

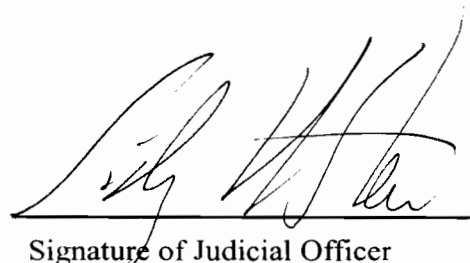
JUDICIAL RESPONSE:

☒ Court approves U.S. Probation Officer's action(s)

or

U.S. Probation Officer is directed to:

- ☐ Submit a Request for Warrant
- ☐ Submit a Request for a Summons
- ☐ Other


Signature of Judicial Officer

2/4/08

Date